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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,189	05/06/1999	MICHAEL RICHARD COOPER	AT9-98-920	3131

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IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER

YUAN, ALMARI ROMERO

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/306,189	Applicant(s) COOPER ET AL.	
	Examiner Almari Yuan	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11, 17-22 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11, 17-22 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Response filed on 8/06/04.
2. Claims 6-11, 17-22, and 25 are pending. Claims 1, 6, 17, and 26 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 6-11, 17-22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meltzer et al. (USPN 6,226,675 B1 – filed on: 10/1998) in view of Villacis et al., “A Web Interface to Parallel Program Source Code Archetypes”, 1995, ACM, Inc., pages 1-16.**

Regarding independent claims 6, 17, and 25, Meltzer discloses:

A method, data processing system, and computer program product on a computer readable medium of dynamically translating an application program into a markup language file, comprising:

parsing a document type definition file for a markup language (Meltzer on col. 23, lines 38-60: teaches parsing a document to retrieve DTD (document type));

selecting an element defined in the document type definition file (Meltzer on col. 23, lines 17-60: teaches element retrieved from XML DTD; on col. 25, line 52 – col. 26, line 9 teaches the JAVA to XML event generator receives the stream of events from the JAVA walker and translates the selected ones to present a JAVA object as an XML document; on col. 30, lines 55-61: teaches JAVA beans correspond to the logical structures in the DTD for transforming from XML to JAVA and from JAVA to XML) ; and

writing the selected element to a markup language file (Meltzer on col. 23, lines 38-60: teaches producing an output by received XML element).

However, Meltzer does not explicitly disclose “executing an application program” and “a routine called by the application program”.

Villacis discloses the conversion of source codes or programs into WWW hypertext documents. A special compiler is used to examine the source code and discover all subroutine call sites (routines) to automatically build the hypertext links to the appropriate subroutine definitions (see Abstract and see pages 4, 7-8, and 14).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Villacis into Meltzer to provide a program contains subroutine call sites for the conversion of programs into hypertext documents, as taught by Villacis, incorporated into the conversion system of Meltzer, in order to help programmers turn source code into hypertext documents in scalable parallel computer environment.

Regarding dependent claims 7 and 18, Meltzer discloses:

wherein the element comprises an attribute list corresponding to parameters for the routine (Meltzer on col.76, lines 33-67: teaches elements and attributes).

Regarding dependent claims 8 and 19, Meltzer discloses:

wherein the selected element written to the markup language file comprises an attribute list corresponding to values for the parameters passed to the routine (Meltzer on col.76, lines 33-67: teaches attributes values).

Regarding dependent claims 9 and 20, Meltzer discloses:

wherein the application program is written in Java programming language (Meltzer on col. 5, lines 1-19: teaches JAVA).

Regarding dependent claims 10 and 21, Meltzer discloses:

wherein the routine is an extended class method (Meltzer on col.76, lines 33-67: teaches JAVA classes, methods).

Regarding dependent claims 11 and 22, Meltzer discloses:

wherein the routine is a Graphics class method (Meltzer on col. 76, lines 33-67: teaches JAVA classes, methods).

Response to Arguments

5. Applicant's arguments filed 8/6/04 have been fully considered but they are not persuasive.

Regarding Applicant's remarks on pages 7-10:

Applicant argues that Villacis does not disclose "during execution of said application program, selecting an element defined in the document type definition file based on a routine called by said application program".

Villacis discloses the conversion of source codes or programs into WWW hypertext documents. A special compiler is used to examine the source code and discover all subroutine call sites (routines) to automatically build the hypertext links to the appropriate subroutine definitions (see Abstract and see pages 4, 7-8, and 14). Villacis on page 8, 1st paragraph teaches the user can publish a program source as an interactive document by generating a hypertext version of a source code; wherein the source code can be a program of Fortran dialect. Each program subroutine can correspond to a hypertext link. Furthermore, Villacis on page 11, 3rd paragraph teaches a compiler and runtime system to run a series of conversion programs to produce HTML documents. Villacis on page 12, Figure 8 shows conversion process from a source code into HTML by the use of a compiler and a Sage ++ to run and parse the source code.

Meltzer does disclose the “selecting an element defined in the document type definition file” as described above in rejected claim 6.

Regarding Applicant's remarks on pages 11-12:

Applicant argues that it is unclear of how the system of Villacis could be combined with the system of Meltzer.

Meltzer can translate JAVA objects or programming structures into an XML document (see col. 23, lines 57-59).

Villacis can convert source code of a computer program into a hypertext document (see Abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Villacis into Meltzer to provide a program containing

Art Unit: 2176

subroutine call sites and convert this program into a hypertext document, as taught by Villacis, incorporated into the converting of programming structures into an XML document (hypertext document) of Meltzer, in order to help programmers turn source code into hypertext documents in scalable parallel computer environment.

Furthermore, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2176


however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Yuan whose telephone number is 571-272-4104. The examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AY
January 23, 2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER